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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/526,304

03/02/2005

Christopher Busch

NL 020852

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07/17/2006

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

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EXAMINER

HINDI, NABIL Z

ART UNIT

PAPER NUMBER

2627

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/526,304

Applicant(s)

BUSCH ET AL.

Examiner

NABIL Z. HINDI

Art Unit

2627

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

In response to applicant's amendment dated June 29, 2006, the following action is taken:

The claims are rejected for the same reasons set forth in the previous office action repeated herein.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Glushko et al (6992965).

The reference shows an optical scanning apparatus comprising: disk having a plurality of data layers 1, L1-Ln, a light source 4, an objective lens 18, and a photo detector 8 wherein the light beam numerical aperture is smaller than the objective lens numerical aperture as shown by the wavelength entering through element 14A and the numerical aperture of the objective lens 18.

With respect to the limitation of claim 2, the use of an objective lens with a numerical aperture ranging from 0.5 to 1.0 is merely a standard to read an optical disk (CD or DVD). The reference in column 8 line 49 discloses the use of an objective lens ranging between 0.6-0.7.

With respect to the limitation of claim 3 see column 8 line 46 disclosing the use of an aperture within element 14 ranging between 0.2-0.4.

With respect to the limitations of claims 4-6. The reference shows the use of a dichroic mirror having an aperture to reduce the light beam aperture as shown by element 14.

With respect to the limitation of claim 7-see element 16.

With respect to the limitations of claims 8 and 15. The reference in element 14 having the light beam of wavelength 1 being expanded with respect to the light beam wavelength zero. Thus the limitation beam expander is present within the element.

With respect to the limitations of claims 9 and 16-19. The numerical aperture of the element 14 is smaller than the numerical aperture of the objective lens corresponding to the element 14 of the claimed invention.

With respect to the limitations of claims 10, and 12-14. The claims read on the use of a collimating lens after the light source which is notoriously well established in the art.


Applicant's arguments filed June 29, 2006 have been fully considered but they are not persuasive. Applicant's arguments are centered around the prior art not showing the newly added limitations in the claims. However the claims as interpreted by the examiner merely read on a scanning apparatus having an objective lens, beam splitter and detector. The light beam incident on the objective lens having a NA smaller than the NA of the objective lens. The reference shows the use of an optical scanning device comprising the use of dichroic mirror 14 having a light beam incident on the objective lens with smaller NA than the objective lens and the light beam reflected from the

medium through the objective lens uses the entire surface of the diachronic mirror meeting the claimed invention.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to **NABIL Z. HINDI** at telephone number (571) 272-7618.


NABIL HINDI
PRIMARY EXAMINER
GROUP 3027